

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.**

WRIT PETITION NO.4234 OF 2006

Shashikala Shankar Jankar, .. Petitioner
Vs
Shankar Sayaji Jankar, .. Respondent.

Mr G.M.Savagave, for the petitioner.
Smt Nivedata S Pawar, for the respondent.

CORAM : D.B.BHOSALE, J.
DATE : 27.09.2006

PC:

1. Heard the learned counsel for the parties.
2. Rule. Returnable forthwith. Mrs Pawar, learned counsel, waives service for the respondent. By consent, Rule is heard finally.
3. The petitioner, in this writ petition under Article 227 of the Constitution of India, has invoked the provisions contained in section 24 of CPC seeking transfer of M.J.Petition bearing M.P.No.925 of 2005, filed by the respondent-husband for divorce, pending in the Court of Civil Judge, Senior Division, Ratnagiri to the District Court at Thane. The petitioner is the wife and she is a permanent resident of Thane. The petitioner and respondent-husband have two children and both are with the petitioner. Maintenance Application No.46 of 2001 filed by the petitioner for recovery of arrears of maintenance is pending in the District Court at Thane and in view thereof the petitioner has invoked

the provisions under section 24 of CPC. Ms. Pawar, learned counsel for the respondent-husband, vehemently submitted that the respondent is a daily wager and it would not be possible for him to attend the dates of hearing at Thane. He cannot afford to loose even a day's income for attending the dates in the aforesaid proceedings at Thane. To my specific query, she has fairly stated that he does attend the dates at Thane in the maintenance application no.46 of 2001. Keeping that in view and considering the convenience of the parties and in particular of the petitioner-wife, who maintains two children, this is a fit case to exercise powers under section 24 of CPC. In the circumstances, I pass the following order.

(i) M.J.Petition No. M.P.925 of 2005 pending in the court of Civil Judge, Senior Division, Ratnagiri, be transferred to the District Court at Thane. The learned District Judge,Thane at Thane to place it before appropriate court for its disposal on merits.

(ii) It is open for the parties to file an appropriate application for clubbing both the aforestated cases. If such an application is filed by either of the parties, the court below shall pass appropriate order thereon keeping in view the convenience of the parties. Rule is made absolute in the aforesaid terms.

(D . B . BHOSALE , J .)